

REMARKS

Claims 1 through 3, 5 through 9, 11 through 16 and 18 through 20 are pending in the case.

Claims 1 through 3, 5 through 9, 11 through 16 and 18 through 20 have been rejected.

Claims 1, 7, 13, 14 and 19 are currently amended.

Rejection of claims under 35 U.S.C. § 112, second paragraph

Examiner has rejected claims 1 through 3, 5 through 9, 11 through 16 and 18 through 20 under 35 U.S.C. § 112, second paragraph. Applicant has amended the claims in response to the rejection.

In claims 1, 7 and 14, Examiner has asserted that the term "the structures" is not clearly defined in the claims. Applicant has replaced each occurrence of "the structures" in the claims with the term "the gettering structures".

Examiner has asserted that in claims 8, 19, 15 and 16 essential structural cooperative relationships of the filament holes are omitted. Applicant respectfully disagrees. The claims 8, 19, 15 and 16 each indicate that vapor enters the chamber from a reservoir through the filament holes. Applicant believes this is adequate recitation of essential structural cooperative relationships of the filament holes with the chamber and the reservoir.

Applicant has replaced the term "can be optically detected from outside the chamber" with the synonymous term "optically accessible from outside the chamber", as originally used in the claims. Since Examiner does not appear to

like either term, Applicant has gone back to the term originally used in the claims.

The term "optically accessible" is a frequently used term that is well understood by persons in the art. It means that an object may, in some way, be optically observed. This term is often used in technical descriptions of devices. For example, a search on google.com for the term "optically accessible" indicated the term appears on more than 20,000 web pages.

The term "optically accessible" has also been used many times in the claim language of U.S. Patents. For example, forty-one U.S. patents issued since 1976 use the term "optically accessible" within the claims. For example, claim 1 of USPN 6,577,780 issued on June 10, 2003, uses the language "optically accessible from outside the chamber" which is identical to the language used by Applicant in claim 1 of the present case.

Applicant notes when used in the U.S. patents read by Applicant the term "optically accessible" appears in the claims without further definition. Applicant, therefore, is uncertain what Examiner means or is requiring by stating: "'Optically accessible' is not clearly defined in the claim." Applicant would be glad to amend the claims to accommodate Examiner, but does not understand the basis of Examiner's rejection nor what could be done to satisfy Examiner on this point.

Rejection of claims over Nystrom

Applicant has rejected claims 1, 6, 7, 12, 14 and 20 under 35 U.S.C. § 102(e) as being anticipated by USPN 6,477,222 (Nystrom). Applicant respectfully traverses the rejection.

Claim 1 is a method for purifying fluid. Gettering structures are placed within a chamber in such a way that at least some of the gettering structures are optically accessible from outside the chamber. This is not disclosed by Nystrom. Similar limitations are found in independent claims 7 and 14.

Examiner requested Applicant to establish the definition of "optically accessible" within the claim. As discussed above, the term "optically accessible" is an often used term which is well understood by persons in the art. It means that an object may, in some way, be optically observed. This term is often used in technical writing and has been frequently used in the claim language of U.S. Patents.

As discussed above, forty-one U.S. patents issued since 1976 use the term "optically accessible" within the claims. For example, claim of USPN 6,577,780 issued on June 10, 2003, uses the language "optically accessible from outside the chamber" which is identical to the language used by Applicant in claim 1 of the present case. Applicant notes when used in the U.S. patents read by Applicant the term "optically accessible" appears in the claims without further definition.

Applicant prefers to use the term "optically accessible", but would also be willing to use the term "can be optically detected" or "optically detectable". Applicant notes that five hundred thirty-five U.S. patents issued since 1976 use

the term “optically detectable” within the claims. One hundred forty-two U.S. patents issued since 1976 use the phrase “optically detected”. Applicant would be glad to amend the claims to accommodate Examiner, but does not understand the basis of Examiner’s rejection nor what could be done to satisfy Examiner on this point.

Rejection of claims over Lorimer

Applicant has rejected claims 7, 13, 14, 19 and 20 under 35 U.S.C. § 102(e) as being anticipated by USPN 6,165,328 (Lorimer). Applicant respectfully traverses the rejection.

Independent claim 7 includes the limitation that gettering structures are optically accessible from outside a chamber. Claim 14 includes a similar limitation. This is not disclosed or suggested by Lorimer.

In Lorimer, chamber 18 is defined by an enclosure 16. Lorimer indicates enclosure 16 is made of a material such as stainless steel. See Lorimer at column 6, line 66 through column 7, line 2. Such an enclosure teaches away from optically accessible gettering structures within the chamber. Nowhere does Lorimer disclose or suggest that anything within chamber 18 is optically accessible from outside chamber 18.

Independent claim 13 includes the limitation that gettering structures include bridge structures placed over filament holes. Independent claim 19 includes a similar limitation. This is not disclosed or suggested by Lorimer.

Examiner has argued that this limitation is disclosed by Figure 3 of Lorimer.

Figure 3 of Lorimer shows a number of getter elements 74 arranged in a spaced-apart configuration. Each getter element 74 is substantially disk shaped with an axial bore forming the centrally located aperture 76. See Lorimer at column 10, lines 3 through 11.

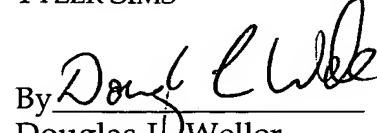
The getter elements shown in Figure 3 of Lorimer are not bridge structures nor do they form a bridge structure. Nowhere does Lorimer use the term "bridge structure" or in any way suggest getter elements 74 are in a bridge structure. Applicant is aware of no literature in any art that would refer to an arrangement of getter elements as shown in Figure 3 of Lorimer as being in a bridge structure. Therefore, it is not clear why Examiner regards Figure 3 of Lorimer as disclosing gettering structures in a bridge structure.

To additionally clarify what Applicant means by bridge structure, claims 13 and 19 have been amended to indicate the bridge structure are placed over filament holes through which the fluid enters the chamber.

Conclusion

Applicant believes that entry of this Amendment will place the present application in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
TYLER SIMS

By 
Douglas L. Weller
Reg. No. 30,506

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Santa Clara, California
(408) 985-0642